

426.320 Sales invalid if made by fraud or collusion -- Proceedings to set aside -- When lien not affected.

- (1) Sales made under execution by fraud or collusion may be set aside, in the court where the execution issued, on the motion of any person aggrieved or by petition in equity. If by motion, the proceeding must be commenced within one year from the sale. The parties affected by the motion shall have ten days' notice in writing, setting forth the grounds relied on for invalidating the sale.
- (2) Whenever a sale under execution is quashed, vacated or set aside, for any cause not affecting the validity of the execution, the lien created by the execution or the levy shall not be destroyed or affected but shall remain in full force and effect, and a writ as provided in KRS 426.440 may be issued and the property sold.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1710.